

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1057 of 1998
with
CIVIL REVISION APPLICATION No 1058 of 1998

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

CLEAGITON F RODRIX

Versus

DECD. CHANDRASINH RAO RAMARAO MOHITE THRO' LEGAL HEIRS

Appearance:

1. Civil Revision Application Nos. 1057 & 1058 of 1998
MR BS PATEL for Petitioner No. 1-5
MRS RANJAN B PATEL for Petitioner No. 1-5
..... for Respondent No. 1,2,3
MR JITENDRA M PATEL for Respondent No. 1/1-1/2,
2/1-2/3,3/1-3/4
NOTICE SERVED BY DS for Respondent No. 2/4,4-6
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CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 18/03/2004

COMMON ORAL JUDGEMENT

The applicants are the original plaintiffs of Regular Civil Suit No.2207/1995. In the aforesaid suit the applicants submitted an application for interim injunction at Exh.5. The trial Court rejected the said application.

2) It seems that even the respondents herein have also filed a Regular Civil Suit No.46/1996, in which they have also asked for injunction. The trial Court granted injunction in favour of the respondents, who are the plaintiffs of Civil Suit No.46/1996.

3) Therefore, the present petitioners filed two appeals before the appellate Court being Civil Misc.Appeal No.15/1998 and Civil Misc.Appeal No.16/1998 challenging the orders of the trial Court. The appellate Court has dismissed both the appeals, therefore, the petitioners have filed present Civil Revision Application Nos.1057/1998 and 1058/1998.

4) It is not in dispute that both these Civil Revision Applications are filed against interlocutory orders. In view of the amendment in Section 115 of C.P.C., these revisions are not maintainable, as the same are filed against interlocutory orders. Accordingly, both these revisions are disposed of, as not maintainable. Rule is discharged. Since interim relief is in force till today, the same is ordered to be extended upto 26th March, 2004.

5) It is clarified that this Court has not expressed any opinion on the merits of the case and it is open for the petitioners to challenge the impugned orders by filing petition under Article 227 of the Constitution of India, if they so desire.

6) Accordingly, both these Civil Revisions Applications are disposed of.

(P.B.Majmudar, J.)

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